

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed July 13, 2005. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 2, 4 – 6, 8 – 9, 11 – 14, 16 – 17, 30 – 34, and 36 – 39 remain pending. In particular, Applicants amend claims 2, 4 – 5, 9, 11 – 14, 16 – 17, 30 – 34, and 36 – 39 and 37 and cancel claim 35 without prejudice, waiver, or disclaimer. Applicants cancel these claims merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of canceled claims in a subsequent application, if Applicants so choose, and do not intend to dedicate the withdrawn subject matter to the public.

Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Rimell spent with Applicant's Attorney, Anthony Bonner during a telephone discussion on August 3, 2005 regarding the outstanding Office Action. During that conversation, Examiner Rimell proposed a claim amendment for claim 30. More specifically, Examiner Rimell proposed including an element into claim 30 to indicate that the at least one user database machine and the at least one message storage device are configured between at least one protocol handling device and at least one mail router device. Examiner Rimmell indicated that such an amendment would

be beneficial. Thus, Applicant respectfully requests that Examiner Rimell carefully consider this response and the amendments.

II. Cosmetic Claim Amendments

In addition to other amendments discussed herein, Applicants note that claims 2, 4 – 5, 9, 11 – 14, 16 – 17, 30 – 34, and 36 – 39 and 37 are amended to remove clerical errors and other stylistic formalities. Applicants submit that these amendments are cosmetic in nature and should not be construed to invoke prosecution history estoppel.

III. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 2, 4 – 6, 8 – 9, 11 – 14, 16 – 17 and 30 – 39 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In response to the Office Action’s request, Applicants amend claims 5, 11, 12, 30, and 37 and cancel claim 35. Applicants submit that these amendments comply with the Office Action’s request and that these amendments place claims 2, 4 – 6, 8 – 9, 11 – 14, 16 – 17, 30 – 34, and 36 – 39 in condition for allowance.

IV. Rejections Under 35 U.S.C. §102

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 30 is Patentable Over Gropper

The Office Action indicates that claim 30 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Pre Grant Publication 2002/0049610 (“*Gropper*”). Applicants respectfully traverse this rejection on the grounds that *Gropper* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 30, as amended, recites:

A communications system, comprising:
at least one user database machine configured to receive and store contact information; and
at least one message storage device configured to store messaging data,
wherein the communications system is configured to serve as a gateway between a wireless network and an external network,
wherein the communications system is configured to receive and store contact information between the wireless network and the external network,
wherein the communications system is configured to transmit data between the gateway and at least one computing device coupled to at least one of the wireless network and the external network, and
wherein the at least one user database machine and the at least one message storage device are configured between at least one protocol handling device and at least one mail router device. (emphasis added)

Applicants respectfully submit that the cited art fails to disclose at least a communications system “***wherein the at least one user database machine and the at least one message storage device are configured between at least one protocol handling device and at least one mail router device***” as recited in claim 30, as amended. For at least this reason Applicants submit that claim 30 is allowable.

B. Claims , 4 – 6, 8 – 9, 11 – 14, 16 – 17, 30 – 34, and 36 – 39 are Patentable Over the Cited Art

In addition, dependent claims 4 – 6, 8 – 9, 11 – 14, 16 – 17, 30 – 34, and 36 – 39 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 30. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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